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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,534	02/12/2004	Kenya Takamidoh	0879-0429P	4118
2292 7590 04/27/2007 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER PATEL, JAYESH A	
			ART UNIT 2624	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		NOTIFICATION DATE	DELIVERY MODE	
3 MONTHS		04/27/2007	ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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mailroom@bskb.com

Office Action Summary	Application No. 10/776,534	Applicant(s) TAKAMIDOH, KENYA	
	Examiner Jayesh A. Patel	Art Unit 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>02/12/2004</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Blank (US. 5345313) hereafter blank.

1. Regarding claim 1, Blank discloses a portrait image processing method in **(Fig 6)** comprising the steps of: extracting a portrait image from an original image including a person and a background **(Col 2 Lines 60-68 and Col 9 Lines 3-8)**; compositing the extracted portrait image and a background image prepared in advance to create a composite image at **(Col 3 Lines 56-60)**; detecting a boundary of the person and the background from the original image at **(Col 8 Lines 44-49)**; judging whether or not the detected boundary is a true contour of the person for each part of the boundary **(Col 8 Lines 44-49)**; and applying correction processing for concealing a boundary part at in **(Figs 5a-5e)**, which is judged not to be a true contour of the person, to the boundary of the person and the background in the created composite image at **(Col 9 Lines 30-67 and Col 10 Lines 1-6)**. Blank also discloses the correction at **(Col 4 Lines 8-33)**.

2. Regarding Claim 2, Blank discloses the portrait image processing method according to claim 1, wherein said correction processing is image processing for overwriting (**making transparent background**) another image on the boundary part which is judged not to be the true contour of the person at **(Fig 5d-5e, Col 3 Lines 35-42 and Col 8 Lines 44-68)**.

3. Regarding Claim 3, Blank discloses the portrait image processing method according to claim 1, wherein said correction processing is image processing for shifting the portrait image such that the boundary part, which is judged not to be the true contour of the person, is outside a frame of the composite image at **(Fig 7a-7d and Col 12 Lines 53-68 through Col 13 Lines 1-34)**. Blank also discloses in Fig 7c the portion 66, which is judged not to be the true edge (background portion near the edge) is shifted (changed by blending or removing) in Fig 7d. Blank also discloses the fact at **(Col 4 Lines 8-33)**.

4. Claim 4 is a corresponding apparatus claim of a method of Claim 1. See the explanation of Claim 1. Blank further discloses the apparatus in **(Figs 1,2 and 3)**.

5. Claim 5 is a corresponding apparatus claim of a method of Claim 2. See the explanation of Claim 2. Blank further discloses the apparatus in **(Figs 1,2 and 3)**.

6. Claim 6 is a corresponding apparatus claim of a method of Claim 3. See the explanation of Claim 3. Blank further discloses the apparatus in **(Figs 1,2 and 3)**.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jayesh A. Patel whose telephone number is 571-270-1227. The examiner can normally be reached on M-F 7.00am to 4.30 pm (5-4-9). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jingge Wu can be reached on 571-272-7429. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jayesh Patel

04/17/07 JP


JINGGE WU
SUPERVISORY PATENT EXAMINER